

# United States Patent Application

## COMBINED DECLARATION AND POWER OF ATTORNEY

As invented inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name, that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **FLUID-ASSISTED ELECTROSURGICAL INSTRUMENT WITH SHAPEABLE ELECTRODE**

The specification of which

a.    is attached hereto

b. X was filed on January 25, 2002 as application serial no. 10/056,807 and was amended on        (if applicable) (in the case of a PCT-filed application) described and claimed in international no.        filed        and as amended on        (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).<sup>1</sup>

I hereby claim foreign priority benefits under Title 35, United States Code, §119/365 of any foreign application(s) for patent of inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

a. X no such applications have been filed.

b.    such applications have been filed as follows:

### FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC §119

COUNTRY	APPLICATION NUMBER	DATE OF FILING	DATE OF ISSUE

### ALL FOREIGN APPLICATIONS, IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)

COUNTRY	APPLICATION NUMBER	DATE OF FILING	DATE OF ISSUE

I hereby claim the benefit under Title 35, United States Code, §1120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §156(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

We hereby claim priority benefits under Title 35, United States Code, §119(e)(1) of any U.S. provisional application listed below:

U.S. APPLICATION NUMBER	DATE OF FILING	STATUS (patented, pending, abandoned)

<sup>1</sup>

### § 1.56 Duty of disclosure; fraud, striking or rejection of applications.

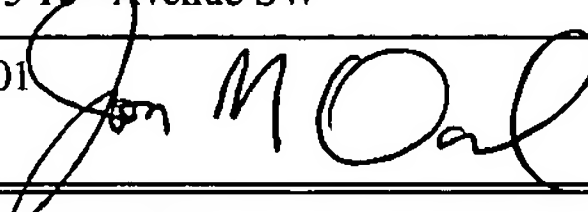
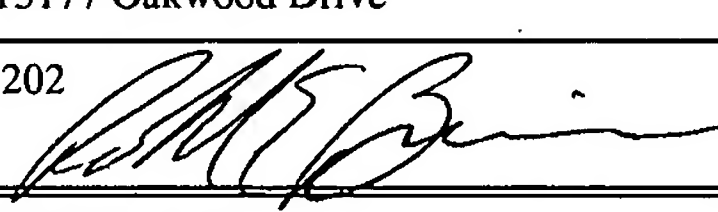

(a) A duty of candor and good faith toward the Patent and Trademark Office rests on the inventor, on each attorney or agent who prepares or prosecutes the application and on every other individual who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application. All such individuals have a duty to disclose to the Office information they are aware of which is material to the examination of the application. Such information is material where there is substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent. The duty is commensurate with the degree of involvement in the preparation or prosecution of the application.

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Harold R. Patton	Reg. No. 22,157	Beth L. McMahon	Reg. No. 41,987	Kenneth J. Collier	Reg. No. 34,982
Michael J. Jaro	Reg. No. 34,472	Daniel W. Latham	Reg. No. 30,401	Thomas G. Berry	Reg. No. 31,736
Girma Wolde-Michael	Reg. No. 36,724	Curtis D. Kinghorn	Reg. No. 33,926	Stephen Walter Bauer	Reg. No. 32,192
Thomas F. Woods	Reg. No. 36,726	Eric R. Waldkoetter	Reg. No. 36,713	Timothy A. Czaja	Reg. No. 39,649

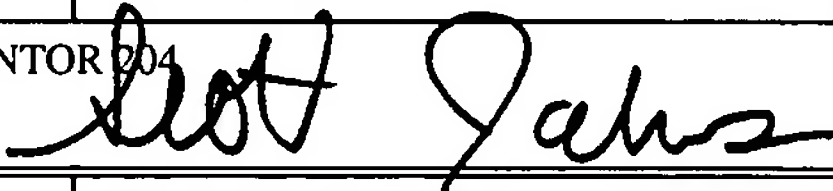
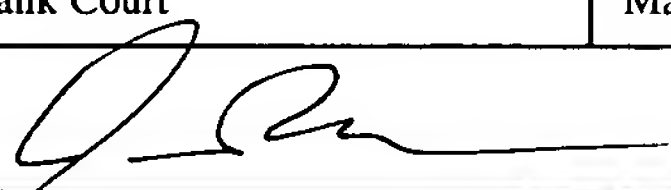
Please direct all correspondence in this case to: Timothy A. Czaja  
 DICKE, BILLIG & CZAJA, P.A.  
 701 Fourth Avenue South, Suite 1250  
 Minneapolis, Minnesota 55415-1002  
 Telephone No. (612) 573-2004

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2 0 1	Full Name of Inventor	FIRST NAME Jon	MIDDLE INITIAL	LAST NAME Ocel
	Residence & Citizenship	CITY New Brighton	STATE OR FOREIGN COUNTRY Minnesota	CITIZENSHIP USA
	Post Office Address	POST OFFICE ADDRESS 573 10 <sup>th</sup> Avenue SW	CITY New Brighton	STATE/ZIP/COUNTRY Minnesota 55112, United States of America
SIGNATURE OF INVENTOR 201 				DATE 19 April 2002
2 0 2	Full Name of Inventor	FIRST NAME Roderick	MIDDLE INITIAL	LAST NAME Briscoe
	Residence & Citizenship	CITY Rogers	STATE OR FOREIGN COUNTRY Minnesota	CITIZENSHIP USA
	Post Office Address	POST OFFICE ADDRESS 13177 Oakwood Drive	CITY Rogers	STATE/ZIP/COUNTRY Minnesota 55374, United States of America
SIGNATURE OF INVENTOR 202 				DATE 19 April 2002
2 0 3	Full Name of Inventor	FIRST NAME David	MIDDLE INITIAL	LAST NAME Francischelli
	Residence & Citizenship	CITY Anoka	STATE OR FOREIGN COUNTRY Minnesota	CITIZENSHIP USA
	Post Office Address	POST OFFICE ADDRESS 744 Benton Street	CITY Anoka	STATE/ZIP/COUNTRY Minnesota 55303, United States of America
SIGNATURE OF INVENTOR 203 				DATE April 19, 2002

☒ Additional pages for fourth and subsequent inventors attached.

\_\_\_\_\_ This Declaration ends with this page.

2 0 4	Full Name of Inventor	FIRST NAME Scott	MIDDLE INITIAL	LAST NAME Jahns
	Residence & Citizenship	CITY Hudson	STATE OR FOREIGN COUNTRY Wisconsin	CITIZENSHIP USA
	Post Office Address	POST OFFICE ADDRESS 923 3 <sup>rd</sup> Street	CITY Hudson	STATE/ZIP/COUNTRY Wisconsin 54016, United States of America
SIGNATURE OF INVENTOR 204 				DATE 4-19-02
2 0 5	Full Name of Inventor	FIRST NAME James	MIDDLE INITIAL R.	LAST NAME Keogh
	Residence & Citizenship	CITY Maplewood	STATE OR FOREIGN COUNTRY Minnesota	CITIZENSHIP USA
	Post Office Address	POST OFFICE ADDRESS 1201 Frank Court	CITY Maplewood	STATE/ZIP/COUNTRY Minnesota 55109, United States of America
SIGNATURE OF INVENTOR 205 				DATE 4/19/02
2 0 6	Full Name of Inventor	FIRST NAME	MIDDLE INITIAL	LAST NAME
	Residence & Citizenship	CITY	STATE OR FOREIGN COUNTRY	CITIZENSHIP
	Post Office Address	POST OFFICE ADDRESS	CITY	STATE/ZIP/COUNTRY
SIGNATURE OF INVENTOR 206				DATE

\_\_\_\_\_ Additional pages for fourth and subsequent inventors attached.

☒ This Declaration ends with this page.